

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

Richard P., by and for <b>R.P.</b> , and Denise L.,	)	
by and for <b>K.L.</b> ,	)	
	)	
Plaintiffs	)	
	)	
v.	)	
	)	Civil Action No. 03-390 Erie
<b>SCHOOL DISTRICT OF THE CITY</b>	)	
<b>OF ERIE, PENNSYLVANIA</b> and	)	
<b>LINDA L. CAPPABIANCA</b> , Individually	)	
and in her Capacity as Assistant Principal	)	
of Strong Vincent High School,	)	
	)	
Defendants	)	<b>JURY TRIAL DEMANDED</b>

**DEFENDANTS' PROPOSED VERDICT SLIP**

Defendants The School District of the City of Erie, Pennsylvania and Linda L. Cappabianca respectfully submit the following Defendants' Proposed Verdict Slip.

**Verdict Slip**

**Rachel Polancy v. Erie School District**

1. Do you find that plaintiff Rachel Polancy was subjected to intentional harassment because of her sex by other students after the December 19, 2001 rapes?

Yes \_\_\_\_\_

No \_\_\_\_\_

If your answer to Question 1 is "yes," go to Question 2. If your answer to Question 1 is "No," go to Question 8.

2. Do you find that the harassment of plaintiff Rachel Polancy by other students after the December 19, 2001 rapes was severe and pervasive, and offensive to a reasonable person of Rachel's sex?

Yes \_\_\_\_\_

No \_\_\_\_\_

If your answer to Question 2 is "Yes," go to Question 3. If your answer to Question 2 is "No," go to Question 8.

3. Do you find that defendant Erie School District had actual knowledge of the harassment of plaintiff Rachel Polancy by other students after the December 19, 2001 rapes?

Yes \_\_\_\_\_

No \_\_\_\_\_

If your answer to Question 3 is "Yes," go to Question 4. If your answer to Question 3 is "No," go to Question 8.

4. Do you find that defendant Erie School District acted with deliberate indifference to the known harassment of plaintiff Rachel Polancy by other students after the December 19, 2001 rapes?

Yes \_\_\_\_\_

No \_\_\_\_\_

If your answer to Question 4 is "Yes," go to Question 5. If your answer to Question 4 is "No," go to Question 8.

5. Do you find that the deliberate indifference of defendant caused plaintiff Rachel Polancy to undergo additional harassment or made her more vulnerable to additional harassment?

Yes \_\_\_\_\_

No \_\_\_\_\_

If your answer to Question 5 is "Yes," go to Question 6. If your answer to Question 5 is "No," go to Question 8.

6. Do you find that the additional harassment caused injury to plaintiff Rachel Polancy?

Yes \_\_\_\_\_

No \_\_\_\_\_

If your answer to Question 6 is "Yes," go to Question 7. If your answer to Question 6 is "No," go to Question 8.

7. What are the total damages suffered by plaintiff Rachel Polancy that were caused by the additional harassment?

Total Damages: \$ \_\_\_\_\_

Go to Question 8.

**Kristina Long v. Erie School District**

8. Do you find that plaintiff Kristina Long was subjected to intentional harassment because of her sex by other students after the December 19, 2001 rapes?

Yes \_\_\_\_\_

No \_\_\_\_\_

If your answer to Question 8 is "Yes," go to Question 9. If your answer to Question 8 is "No," go to Question 15.

9. Do you find that the harassment of plaintiff Kristina Long by other students after the December 19, 2001 rapes was severe and pervasive, and offensive to a reasonable person of Kristina's sex?

Yes \_\_\_\_\_

No \_\_\_\_\_

If your answer to Question 9 is "Yes," go to Question 10. If your answer to Question 9 is "No," go to Question 15.

10. Do you find that defendant Erie School District had actual knowledge of the harassment of plaintiff Kristina Long by other students after the December 19, 2001 rapes?

Yes \_\_\_\_\_

No \_\_\_\_\_

If your answer to Question 10 is "Yes," go to Question 11. If your answer to Question 10 is "No," go to Question 15.

11. Do you find that defendant Erie School District acted with deliberate indifference to the known harassment of plaintiff Kristina Long by other students after the December 19, 2001 rapes?

Yes \_\_\_\_\_

No \_\_\_\_\_

If your answer to Question 11 is "Yes," go to Question 12. If your answer to Question 11 is "No," go to Question 15.

12. Do you find that the deliberate indifference of defendant caused plaintiff Kristina Long to undergo additional harassment or made her more vulnerable to additional harassment?

Yes \_\_\_\_\_

No \_\_\_\_\_

If your answer to Question 12 is "Yes," go to Question 14. If your answer to Question 12 is "No," go to Question 15.

13. Do you find that the additional harassment caused injury to plaintiff Kristina Long?

Yes \_\_\_\_\_

No \_\_\_\_\_

If your answer to Question 13 is "Yes," go to Question 14. If your answer to Question 13 is "No," go to Question 15.

14. What are the total damages suffered by plaintiff Kristina Long that were caused by the additional harassment?

Total Damages: \$ \_\_\_\_\_

Go to Question 15.

**Rachel Polancy v. Linda Cappabianca**

15. Do you find that defendant Linda Cappabianca made a defamatory communication to Robin Johnson and Toni Northrup that related to plaintiff Rachel Polancy?

Yes \_\_\_\_\_

No \_\_\_\_\_

If your answer to Question 15 is "Yes," go to Question 16. If your answer to Question 15 is "No," inform the Court Clerk that you have reached a verdict.

16. Do you find that the defamatory communication by defendant Linda Cappabianca to Robin Johnson and Toni Northrop caused injury to plaintiff Rachel Polancy?

Yes \_\_\_\_\_

No \_\_\_\_\_

If your answer to Question 16 is "Yes," go to Question 17. If your answer to Question 16 is "No," inform the Court Clerk that you have reached a verdict.

17. What are the total damages suffered by plaintiff Rachel Polancy that were caused by the defamatory communication?

Total Damages: \$ \_\_\_\_\_

Go to Question 18.

18. Do you find that the defendant Linda Cappabianca made the defamatory communication with a bad motive or with reckless indifference to the interests of plaintiff Rachel Polancy?

Yes \_\_\_\_\_

No \_\_\_\_\_

If your answer to Question 18 is "Yes," go to Question 19. If your answer to Question 18 is "No," inform the Court Clerk that you have reached a verdict.

19. What are the total punitive damages that you award to plaintiff Rachel Polancy against defendant Linda Cappabianca?

Total Punitive Damages \$ \_\_\_\_\_

The jury foreperson must sign this Verdict Slip. Inform the court clerk you have reached a verdict.

\_\_\_\_\_  
Jury Foreperson

Respectfully submitted

/s/ James T. Marnen  
James T. Marnen  
PA I.D. No. 15858  
KNOX McLAUGHLIN GORNALL &  
SENNETT, P.C.  
120 West 10th Street  
Erie, PA 16501  
General Tel: 814-459-2800  
Direct Dial Tel: 814-459-9886, ext. 203  
Fax: 814-453-4530  
E-mail:jmarnen@kmgslaw.com

Attorney for Defendants,  
The School District of the City of Erie,  
Pennsylvania and Linda L. Cappabianca

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

Richard P., by and for **R.P.**, and Denise L., )  
by and for **K.L.**, )

Plaintiffs )

v. )

Civil Action No. 03-390 Erie

**SCHOOL DISTRICT OF THE CITY** )  
**OF ERIE, PENNSYLVANIA** and )  
**LINDA L. CAPPABIANCA**, Individually )  
and in her Capacity as Assistant Principal )  
of Strong Vincent High School, )

Defendants )

**JURY TRIAL DEMANDED**

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on the 27th day of January, 2006, a copy of the within document was served on all counsel of record and unrepresented parties in accordance with the applicable rules of court.

---

James T. Marnen